IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

Bail Appl..No. 5395 of 2007()

CRIME NO.141/07 OF KUTHUPARAMBA POLICE STATION)

PETITIONER/3RD ACCUSED

SURESH,S/O.SURENDRAN,
PUTHENVEETTIL,
OLAYAMBALAM,
PINARAYI AMSOM DESOM & P.O.,
THALASSERY TALUK.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS: COMPLAINANT & STATE
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1. THE STATION HOUSE OFFICER,
KUTHUPARAMBA.

2. STATE,REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 5395 of 2007

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Dated this the 7th day of September, 2007

O R D E R

Application for regular bail. The petitioner is the 3rd accused. He faces allegations, inter alia, under Sec.326 and 307 IPC. The crux of the allegations is that on 23.06.07, on account of political animosity, the petitioner along with other accused who belong to the BJP mounted an attack on the victim, a CPIM worker, resulting in grievous injury to the victim. The alleged incident took place on 23.06.07. The petitioner was arrested on 06.07.07. Investigation is not complete yet.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Merely because of political animosity, he has been arrayed as accused. It is prayed that the petitioner who remains in custody from 6.07.07, may now be enlarged on bail subject to appropriate terms and conditions.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the political animosity between the two groups is likely to imperil the law and order situation in the locality . Investigation is not yet completed also. In these circumstances, bail may not be granted to the petitioner, it is prayed.

4. I am satisfied that bail can be granted to the petitioner subject to appropriate and strict conditions which shall allay the apprehension arrayed by the learned Public Prosecutor.

5. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays for a period of three months.

iii) The petitioner shall not enter the Sessions Division of Thalassery for a period of three months except for the purpose of complying with the condition No.(ii) above.

(R.BASANT, JUDGE)

sj

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PA to Judge